

IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA

MARY JANE QUIRK, )  
                        )  
                        )  
Plaintiff,           ) )  
                        )  
                        )  
v.                     ) Case No. CIV-13-57-D  
                        )  
                        )  
CAROLYN W. COLVIN, )  
Acting Commissioner of the Social       )  
Security Administration,                )  
                        )  
                        )  
Defendant.           ) )

**ORDER**

This matter comes before the Court for consideration of the Motion for Attorney Fees Under 42 U.S.C. § 406(b) [Doc. No. 25]. Plaintiff's attorneys ask the Court to approve a fee award in the amount of \$12,000.00. The Acting Commissioner has not made a timely response to the Motion. Under controlling law, however, the Court is required to undertake an independent review and determine the reasonableness of counsel's fee request.

Upon consideration of the Motion in light of *Gisbrecht v. Barnhart*, 535 U.S. 789 (2002), and *Wrenn v. Astrue*, 525 F.3d 931 (10th Cir. 2008), the Court finds that Plaintiff's attorneys may recover a reasonable fee for the representation of Plaintiff in this case up to the statutory limit of 25% of past-due benefits, provided the attorneys refund the amount of \$3,535.60 previously awarded under the Equal Access to Justice Act (EAJA). See Order Awarding Attorney Fees [Doc. No. 22]. The supporting documents with the Motion, as well as the case record, reveal a total of 24.1 hours of legal services performed for Plaintiff's representation in this case (14.6 attorney hours and 9.5 paralegal or intern hours), which

resulted in a favorable judicial decision. *See* Agreed Judgment and Order of Remand [Doc. No. 18]. After remand, Plaintiff was determined to be entitled to benefits and was awarded a past-due amount of \$143,132.90. The Motion has been timely filed with the time period previously determined by the Court to be reasonable. *See* Order of June 26, 2015 [Doc. No. 24].

Under the circumstances presented, the Court finds that the requested amount of \$12,000.00 represents a reasonable fee for the work done in this case in view of the nature of the representation and the results achieved. This amount is far less than 25% of Plaintiff's award of past-due benefits obtained by reason of the judgment entered September 19, 2013. The Court therefore finds that the Motion of Plaintiff's attorneys should be granted.

IT IS THEREFORE ORDERED that the Motion for Attorney Fees Under 42 U.S.C. § 406(b) [Doc. No. 25] is hereby GRANTED. The Court approves an award of attorney fees under 42 U.S.C. § 406(b) to the signatory to Plaintiff's fee agreement, Steve A. Troutman of Troutman & Troutman, P.C., in the amount of \$12,00.00. Plaintiff's attorneys shall promptly refund to Plaintiff Mary Jane Quirk the amount of EAJA fees previously awarded of \$3,535.60.

IT IS SO ORDERED this 29<sup>th</sup> day of July, 2015.



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TIMOTHY D. DEGIUSTI  
UNITED STATES DISTRICT JUDGE